

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

NANCY HENDERSON and THOMAS  
HENDERSON,

Plaintiffs

vs.

DALE CUNNINGHAM, GREYHOUND  
LINES, INC.

Defendants

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CASE NO.: 3:07 cv916MEF

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**JOINT MOTION TO SUSPEND RULE 26(f) ORDER**

COME NOW all parties and move this Court to suspend the Rule 26(f) Order issued on October 17, 2007. In support of this Motion all parties state as follows:

1. On October 17, 2007 the Court issued a Rule 26(f) Order compelling the parties in this case to file a Rule 26(f) report containing the discovery plan no later than November 16, 2007.

2. The Plaintiff brings this action seeking damages for personal injuries allegedly arising from a bus accident which occurred in Phenix City, Russell County, Alabama on or about October 3, 2005.

3. Similarly, Marrlina Bolden filed suit against Greyhound and Dale Cunningham seeking damages for personal injuries allegedly arising from the same bus accident. The case of *Marrlina Bolden, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: 3:07 CV917-SRW is also before the United States District Court for the Middle District of Alabama, Eastern Division.

4. Defendants Greyhound and Dale Cunningham filed a Motion to Consolidate

the *Marrlina Bolden, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: 3:07 CV917-SRW case with the present case in the Bolden court on October 31, 2007. The Bolden court has yet to rule on said motion.

5. Additionally, the case of *Bon Kieu, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: CV-07-756 is pending in the United States District Court for the Southern District of Alabama. It involves the same accident and Defendants as the Bolden case and the present case. A Motion to Transfer Venue to the Middle District of Alabama, Eastern Division, has been filed with the court and is pending.

6. The parties request that this Court suspend the Rule 26(f) Order until the Bolden Court has ruled on Defendants Motion to Consolidate. Doing so would avoid unnecessary costs and the duplication of any discovery should the Bolden court consolidate the present case with *Marrlina Bolden, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: 3:07 CV917-SRW. Although Plaintiffs join in this motion, they reserve the right to object to consolidation of the present case with the *Marrlina Bolden, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: 3:07 CV917-SRW should they choose to do so.

WHEREFORE, the parties to this case respectfully request that this Court suspend the Rule 26(f) Order issued on October 17, 2007, until Defendants Motion to Consolidate the present case with *Marrlina Bolden, Plaintiff v. Dale Cunningham, Greyhound Lines, Inc., Defendants*, Case No.: 3:07 CV917-SRW is granted or denied.

s/ D. Kirby Howard, Jr.

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